

Interview with Thomas M. Recknagel

The Association for Diplomatic Studies and Training Foreign Affairs Oral History Project

THOMAS M. RECKNAGEL

Interviewed by: Victor Wolf, Jr.

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Subject: Movement of Peoples and Consular Affairs as Elements in American Foreign Policy Operations

Q: Mr. Recknagel, thank you very much for participating with us in this oral history program. We feel very strongly—and scholars have confirmed this—that these types of interviews give additional data to historians, social scientists, and researchers that are extraordinarily useful as they do work in the field of American foreign policy. The theme today is going to be movement of peoples, a significant issue in foreign policy. I know you are an attorney by educational background. I wonder if you could give us what it was in your educational background that brought you into the foreign service and some indications as to what were the themes in your career that brought you in contact with movement of peoples as a significant issue in American foreign policy.

RECKNAGEL: Thank you for that nice greeting. It is a pleasure to be here for me also, and I hope that this will prove to be a useful interview. In response to your question, I was really brought into the through my interest in political science. I was a political science major in college at Cornell, where I took my undergraduate work. I went into law really because of my interest in the Foreign Service and because I was advised—and I think quite correctly

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—that law is an excellent background, particularly for anyone wanting to be a political officer in the Foreign Service, which I was. Insofar as the topic today, my background does go back to my early years in the Foreign Service. I entered the Foreign Service in 1947, and my first post was Sofia, Bulgaria. When I came back from there, I was on the Bulgarian desk in the Department and later on the Yugoslav desk. It was particularly in the latter position that I became involved in the question of refugee movements in Europe, because we had many problems at that time stemming from the large number of Yugoslav refugees, particularly in Italy, but elsewhere in Western Europe, the demands of the Yugoslav Government, the Tito Government, with respect to those refugees, the whole question of the care and rights of those refugees. I was more or less tangentially involved, but I worked very closely with our refugee people in the Department at that time, such as George Warren and Larry Dawson. I was also involved in the first human rights presentation that the United States made in the United Nations, charging human rights violations and peace treaty violations against Bulgaria, Romania, and Hungary. These violations, of course, also had a great deal to do with the situation that created refugees in the post-war period, because we had not only those who were created by the war itself, but also by the communist takeover of the curtain countries of Eastern Europe. In my assignment in Tel Aviv, when I was there, I was primarily engaged in obtaining political and human right information from people who were coming out from behind the curtain, but certainly, many of those Jews who were coming out from behind the curtain and settling in Israel were refugees, and the problems of caring for those people also was something with which I was tangentially concerned.

Q: When were you in Tel Aviv?

RECKNAGEL: Actually, for a relatively short time. We were, as you recall, in fact, thrown out of Bulgaria. We suspended relations with them, and they gave us three days to get out. I was assigned to Tel Aviv immediately after that. We were sent to Rome, and then I spent about only a little more than half a year in Tel Aviv before I was called back to the Department and took over as Bulgarian desk officer. That was 1950. After that, I really

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did not have anything to do particularly with refugees in any special sense until I took over as Senior Deputy Administrator in the Bureau of Security and Consular Affairs in 1973. Primarily, in S.C.A., refugees concerned us to the extent that refugee situations and policies impinged upon the whole question of movement of persons, in which the consular function of the Department is involved. Although at the end of that tour, I was very closely involved in the first part of the problem of handling the tremendous refugee outpouring from Vietnam, resulting from the end of the war and surrender to the North in that country. Finally, I retired from the Department in 1975, but I came back in 1977. For the following nine years, off and on—mostly on— I was retained as a consultant in asylum affairs and worked exclusively in asylum affairs during that period.

Q: That's very interesting. We'll be coming back to all of these in detail. Before we get into any specific questions, do you have any general comment you want to make about the whole issue that can set the stage for specific discussions on specific topics and issues?

RECKNAGEL: Only that I will try to focus on things which are not readily available to anybody who wishes to look into the history of the United States' involvement in refugee affairs and to talk about some of those aspects which are personal to my experience or which possibly I can elucidate a little bit more.

Q: That's precisely what we want. I notice in your career that you were, as you said, the Senior Deputy Administrator of the Bureau of Security and Consular Affairs from 1973 to 1975. If I remember correctly, the administrator at that time was Barbara Watson. Then you may have had either a short overlap with Leonard Walentynowicz, who succeeded her, or, at any rate, you were possibly, shall we say, in at the creation of the nomination. I wonder if you could talk a little bit about who those two people were and how or on what basis they were chosen for that position, their professional and political qualifications, and elements having to do with why people like that were chosen for jobs like that.

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RECKNAGEL: Barbara Watson was the administrator when I came in. She already had been administrator for some time. Her background and the reasons for her being in that position are interesting. Actually, she was Jamaican in origin, born an American citizen, but, nevertheless, her family was, and a good part of it still is, Jamaican. Her father was a distinguished judge in New York. Unfortunately, Barbara is dead; she died several years ago. She was black and was the first black woman to be appointed to a senior position in the Department of State. Indeed, there weren't even very many women at the time in as senior a position as she when she was appointed. She was a lawyer by training, a graduate of Barnard College, and had practiced law particularly in the social services area in New York, if I recall correctly. She came down to Washington, and she was a Democrat. I don't know the background of her initial appointment to the State Department, but she initially was appointed to a position as an assistant to Bill Crockett, who was at that time the Deputy Under Secretary for Management in the Department. There was a major problem at that time in SCA [Bureau of Security and Consular Affairs] which stemmed from the fact that one Frances Knight, who was the head of the passport office, a lady extremely well wired politically, was acting in a manner totally independent of the Department, refusing to conform even to the most minimal requirements of bureaucratic cooperation, in effect, running the passport office as an independent fiefdom. Nobody in the Department back in the mid-Sixties really knew quite how to handle Frances Knight. As I say, she was well wired politically. I can underline that by saying that her chief support was Senator Humphrey on the Hill. She was very well connected on the Republican side as well [and on the Republican side it was Senator Jacob Javits.] That gives some idea of the level at which she was being supported. Bill Crockett conceived the idea that if he could put a very able, forceful, as he perceived it, black lady in the position of Administrator of Security and Consular Affairs, it would be very difficult for Frances Knight not to cooperate with this woman, that all of the odds really would be in favor of the senior black lady, emphasizing the fact that both as a lady and as a black, she was going to be given special attention and care, if you will, particularly in the mid-Sixties. So Barbara was put in for that reason. I don't mean to say by that that she was not an able person, but

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Barbara would have been the first to say that, as of that time, she had no background in consular affairs at all, but because she was an able and conscientious person, she was a very active student of consular affairs from the beginning. I might say that by the time I became her deputy in 1973, I found her to be a very knowledgeable and competent head of the Bureau, which in itself was very pleasing. The purpose, however, for which she was originally assigned was not achieved. As able as Barbara was, she could not handle Frances Knight. By the time I got there, they had simply reached a standoff, and very, very little was being accomplished at all in terms of getting Frances Knight to cooperate in any way with the Department. She would undertake budgetary adventures of her own, research projects of her own, as I will explain in more detail later. So that was Barbara and her background, and that's why she was there. Barbara was a Democrat, but because she was black and a lady and doing an excellent job, she was not touched by the Nixon Administration in the first four years. She was left right there and did as well as expected, which was very well indeed. In his 1972 campaign for re-election, Nixon apparently had depended a great deal on the Polish vote in the northeastern area. People who might otherwise have been expected to go Democratic voted in substantial numbers for him. One Leonard Walentynowicz, who was a police lawyer in Buffalo, New York, had been very active for Nixon in the Polish community. A graduate of Buffalo Law School, I believe, his entire practice revolved around the police courts and police methodology. Much of his previous experience had been teaching aspects of law to the police in Buffalo, which the police needed in their work. But he had been also politically very active and had gotten the Polish vote in Buffalo. So to thank him for his work, the Nixon White House wanted to find him a job, the typical political thing. They felt that, particularly with his Polish background and his other activity, which was in the Polish-American community, that something in the immigration field would be suitable—a mistake, by the way, which I think politicians often make. But nevertheless, this was the case. They looked around and nothing was available in INS, and here was something in the Department. This is the background of Walentynowicz's nomination. He was smart enough to know that he didn't have much background in consular work, and he didn't initially push his desire

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to move into the job until he had a chance to wind up his affairs in Buffalo and to train himself a little bit in consular affairs. It was almost a year after Nixon took office the second time that Walentynowicz came down to Washington. In the meantime, there had been a back-and-forth between him and Barbara Watson, who did not want to give up her job. She particularly didn't want to give it up to a man like Walentynowicz. There's a whole story there which I may get into if you find it interesting. He did take over, finally, at the beginning of 1975. Barbara left several months before that. I really was with him only for a period of four months, so I can't say very much about him beyond that.

Q: That's an interesting stage-setter for the politics of consular appointments in the Department of State. Now I think it would be good to move along to some of the issues that you were involved in during your incumbency as senior deputy administrator. One that comes to mind almost immediately is consular relations with our two neighbors, the Canadians to the north and the Mexicans to the south. I wonder if you could talk a bit about some of the elements there, what kinds of problems there were, and what were the underlying realities of how work on these was done.

RECKNAGEL: Let me give you a little background before I come to the specific response to that question. First you have to understand the duties of the deputy administrator or the duties of a deputy in almost any such position, which is really running the Bureau, leaving the head of the Bureau free to do those things in which he or she is particularly competent or which involve basic policy considerations and things of that sort, and not worrying about the nitty-gritty of day-to-day operations. My view of all things, which I will discuss now, is that of somebody who is concerned with keeping things going on a day-to-day basis and only partially involved in the more high-level aspects. Relations with Canada at the time I was there really did not involve any serious problems, so I really cannot add anything of great interest with regard to Canada. Mexico was another matter. The drug problem back in those days was growing by leaps and bounds, as it has continued to do ever since. Drug smugglers were a good deal less sophisticated then than they have become now. Colombia was then, as now, the primary source for drugs coming into the United States.

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One of the preferred means of getting those drugs into this country was to use young people who were vacationing or studying in Colombia or coming back through Colombia on their return to the United States, to get them to carry small amounts but, nevertheless, very valuable amounts of drugs into the United States with them. Initially, this worked quite well for the drug smugglers, because these kids simply weren't suspected. Later, after a few of them were discovered, our Drug Enforcement Agency people began to look into it and realized that this was a very major operation. These kids were being paid well in their terms, but nothing in terms of what the profit was for the drug dealer. As you may recall, "mules" was the term that was used for them. Many of them came through Mexico City. The place to change planes, or merely where the planes stopped coming back from Bogota was very often Mexico City. Once it was known that there was considerable traffic of this sort going on, the question arose of how were we going to get at these people. The first thing was that these American citizens contended that when they were in the transit lounge they were immune from arrest by the local authorities. That, of course, has been fully resolved since, but it was not fully resolved at that time. Since then, it has been clearly established that there is no question that an airport transit lounge is part of the national territory of the country on which it is located, and a criminal can certainly be arrested in the transit lounge.

Q: I suppose that resolution, that legal decision, if you want to call it that, not only has implications for narcotics smuggling, but has implications for such things as terrorism.

RECKNAGEL: I should think very much so. Happily, we didn't have the terrorist problem in those days as it exists today. As soon as this decision was made, the Mexican police, with the full cooperation of our own DEA [Drug Enforcement Administration] people, moved in on these "mules," and there was quite a large number—80, 90, or more—arrests of these American kids in transit through Mexico. They were carrying significant amounts of drugs — strong drugs, heroin, cocaine, and so forth—and were, of course, guilty under Mexican law of a very serious crime, just as under our own law. The problem that we got involved in was a very typical consular problem. They were arrested, they were thrown into the

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jug, and then the question was: Were they really getting the treatment that we felt that they deserved as American citizens, or were they being mistreated, denied basic rights, and so forth? The problems in dealing with these people were really traditional consular protection problems. The thing which makes it somewhat interesting, however, and worth noting is that it became a very real issue on the Hill. Certain congressmen, most notably one congressman, Fortney H. "Pete" Stark of California, championed these people and demanded something which was a very new concept. He argued that although they were arrested in Mexico and were guilty of crimes under Mexican law, they shouldn't be made to serve their sentences there. They were nice, clean-cut American kids, he contended, and should be allowed to come back to the United States, serve their Mexican sentences here, and under conditions which we would consider humane. Stark, at least, did not consider the conditions in the Mexican prisons very humane. As far as I know, this was the first time such a concept had been broached. We brought into it also some Americans who were in Turkish jails, also on charges of drug smuggling, also convicted in that country. Although the matter was not resolved more than partially during my time in SCA, it was subsequently resolved both in the case of these kids in the Mexican jails and in the case of at least one of the Americans in Turkey. The decision was made that they could come back here. This was the point at issue: Could our American courts recognize a conviction in a foreign country? Could we put an American citizen in prison to serve a sentence which he had been given in a foreign court under foreign law? There was the question, first of all, whether we could even do this, that an American citizen should be subjected to this. Secondly, how would you do it? In other words, would there have to be a court order here, or how could it be handled? Finally, would we accept the same sentence? Would we have a new trial here? The decision was made that, basically, yes, if the person agreed that he would serve the sentence here, or that he would at least go into a period of probation equivalent to that in which his sentence would have required him to remain in jail in the foreign country, and if the foreign country would agree to release him on those terms, then we would take him back here and the states and local authorities would provide the necessary supervision. How this has worked out, I cannot answer. I simply know this was

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the point that we reached when I left SCA. Indeed, through your own experiences, you may know cases subsequent. But that was the point that we reached there. It was very interesting.

Q: The only thing I know about that is that the big issue in negotiating with the Mexicans and the Turks and other countries where this issue came up, was how to persuade the foreign governments to accept what really was a derogation of their own sovereignty.

RECKNAGEL: Absolutely.

Q: Why is Mexico less sovereign than the United States? Why is Turkey less sovereign than the United States? Harmonizing this strong political requirement that political forces in the United States were placing on our government with the pride and the sensitivity of some of these foreign governments, that they are just as sovereign as we are, I know was the major preoccupation. I do not know how that was done either, but it clearly was complicated.

RECKNAGEL: That's certainly right. I think, basically, it was achieved in the case of Mexico because, in fact, the Mexicans were absolutely sick and tired of this problem, because we were constantly beating on them because of the pressures that were put on us by people like Stark and others. We were constantly beating on the Mexicans about the treatment that they were meting out to these people. On the one hand, we wanted them to arrest them, we wanted them to enforce the laws, and then they would get them in prison, and we were constantly raising Cain with them about the way they were treating them.

Q: These people like Stark and others on the Hill or elsewhere who were taking the side of these young people, were they ever prepared to discuss with you or address the issue of the whole concept of drug control, drug enforcement, or did they simply try to keep themselves separate from that?

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RECKNAGEL: To my mind—and I'm a little bit prejudiced against Stark; I found him particularly annoying and the way they were playing it to be annoying—they made it an emotional issue. They would get some kid who had been arrested, an attractive, young college girl, and they'd get her family and these weeping letters that she would write to the family, and the family imploring us to do something to save their daughter, to bring her back. It was played much too much on that basis, to my mind, and I believe that I can say accurately that our own drug enforcement people within the Department, with whom I was dealing at that time, particularly Sheldon Vance, who was the Assistant to the Secretary on Drug Enforcement Problems, felt very much the same way, that they were detracting from, rather than contributing to, the basic effort.

Q: That's very interesting. In what way and in what form did your involvement in congressional relations and press relations take place? We've touched a little bit on that with this issue, but it seems to me a natural follow-on.

RECKNAGEL: Right. Congressional relations was a very important part of the job in S.C.A. By the time I came into the job, Barbara had pretty much had her fill of the glory of playing around with congressmen, so she really largely left routine congressional relations to me and to my fellow deputy, Fred Smith. Fred was our specific legal expert and always a much greater expert on consular legal affairs than I. I had the balance of it, which was the overall relations problem, budgetary dealings, and things like that. The important thing to know is that the House Judiciary Subcommittee on Immigration, Naturalization, and International Law has a direct oversight responsibility under the law, under the INA, over the Bureau of Security and Consular Affairs, as it was then, and the Bureau of Consular Affairs, as it is now. They took this oversight responsibility very seriously, and still do, I'm sure. Every major move that we made we had to first go up on the Hill and discuss with them. Take a relatively simple thing, like amendment of the transit- without-visa regulations, or the question of placing in passports the fact that travel to certain nations was forbidden. All of these things had to be taken up on the Hill, had to be discussed with

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them, and should the subcommittee see fit, be the subject of an actual hearing. In general, our hearings were limited to two subjects. The budget went the same every year, the same old thing: On the one hand, "Why do you need all these consular posts? Why do you need so many consular officers?" And on the other hand, "Why are you doing such a lousy job protecting American citizens? I have these constituents who have written to me and told me this. How are you training your people? Are you really sending out people who are competent?" Each year we would go up to the Hill and spend a day or more with them on that. The other and more significant problem which also annually resulted in hearings on the Hill was the question of the illegal alien problem. Today this has become a very major issue, but it was surely no small issue at that time, although the figures that we used then would perhaps seem small in comparison to those that are used today in terms of the dimension of the problem. I suppose that we should go back and talk about illegal aliens and the efforts made by Congressman Peter Rodino beginning possibly earlier but, to my knowledge, at least as early as 1971, to introduce a bill which would provide most specifically some sort of sanction on American employers employing illegal aliens and which would include provisions for the use of illegal aliens, most particularly Mexicans in our vegetable-growing fields in California. These were the two primary things. Each year this bill would be introduced; each year it would be passed by the subcommittee and passed pretty much without difficulty by the House, which is rather interesting; each year absolutely nothing was done by the Senate. The reason nothing was done by the Senate was one Senator Eastland of Mississippi, who was Chairman of the Senate Judiciary Committee, whose subcommittee concerned itself equally with these problems. Senator Eastland would not even go to the point of having hearings on this subject. The reason is very simple: Senator Eastland employed large numbers of illegal aliens on his rather extensive lands in Mississippi, and he was not remotely interested in having any restrictions placed on the use of these people. I am not just making this charge out of thin air; everybody knew it to be the case, and everybody knows what sort of a curmudgeon Senator Eastland was. The thing that we all thought—this is parenthetical—was that later, when Eastland disappeared from the scene and Senator Kennedy became Chairman of

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the Judiciary Committee in the late Seventies, after I left, that this would change. It has not really changed. There are still many problems, but at least they do now hold hearings, I understand. We would go up there, together with counterparts from INS [Immigration and Naturalization Service], and we would discuss all aspects of illegal alien movement in the country, our concern being what we were able to do on the consular side to control the movement of aliens in the United States, INS's concern being what it could do to control illegal aliens crossing the border. I think this is a good place for me to introduce something which is parallel to this. This is the interest which I think really first began to develop in any serious proportions while I was at S.C.A. in the use of data control methods to control the movement of aliens in the country and to control aliens through proper documentation. It tied in very directly with this. It occurred to us, all of the people concerned with the problem about this time, that technology was reaching the point that it would be possible to control people and particularly our records of aliens through the use of computers. For example, you can issue some sort of a computerized visa, which would be readable by a computer at the point of entry in New York. When somebody came in with this visa, INS could run it through the computer in New York right at the point of entry, and immediately it would flash on the screen whether this man was on the lookout list or anything of that sort, or whether, indeed, the consular officer who had issued the visa had some little thing that he wanted to warn INS about. It's that last point that caused all the problem, but let me come back to that in a moment, because the other thing that caused a problem was what kind of computerization we were going to have and what kind of data processing. At that time, as still today, there were a number of different companies in the field, a number of different consulting concerns, that were coming up with various types of questions of how to use computers for all sorts of things, from credit cards to record keeping in large companies. As we discussed this, we felt that the first thing you've got to do—and this was discussed widely in the Department—is to turn to a consulting firm to tell you just what is possible and what could be done. After all, none of us had any idea what could be done with a computer. INS was doing exactly the same thing at this time. I might say, by the way, so was Frances Knight, independently, in the passport office. The Department

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retained a firm connected with MIT [Massachusetts Institute of Technology]. Somewhere there was a total breakdown, because, at the same time we were doing this, INS retained a totally different firm. I forget the name of the firm. What Frances Knight was doing was something independent, anyway, from what we're talking about on illegal aliens. When we found out about this, one of the first things we wanted to do was to see if we couldn't at least get these firms together and get them to agree so that when they came up with some suggestions, you'd have a system which was compatible both to INS's needs and to the Department's needs, to the consular service's needs. At that time, the Commissioner of INS was General Chapman, a Marine officer, who was a fine gentleman, but he was a Marine. He made up his mind, by God, he was going to hold it forever. He absolutely was not amenable to any suggestion from the Department. His suggestion was, "If you don't like what we're doing, why don't you get the same people to do the job for you?" It was an unfortunate thing, and it kind of cast a pall over all the efforts that were made throughout most of the time that I was in S.C.A., the latter part, anyway. We had a group of people in the visa office who were concerned just with this. Shortly before I left, I arranged for a new deputy in the visa office whose whole background was in this field, with the idea that they would move on into it. Unfortunately, an awful lot of ideas came up, an awful lot of useful thoughts, and we certainly proved it would be feasible, but, in my time there, we never got beyond that point. I believe I am correct in saying that to this day there is no coordinated computerized control between INS and the Department, nor, indeed, do we have machine-readable visas, to the best of my knowledge. I think you can tell whether they're false or not, but I don't think you can read any information.

Q: I think you are right. I think we should note for the record that we're talking now in August 1986. So we're talking 11, 12, 13 years after you were in at the beginning of this effort. You also said that there was a big excitement about the question of what kinds of information would be placed in the system?

RECKNAGEL: This is very, very important. Immediately we got into this question of what computerized information you could put on the visa. After all, you can put on a card, like a

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credit card or a license, all kinds of information on that little black strip which appears on the card. The person who holds the card doesn't have an idea what it says in that black strip. It may say, "This man is a crook. Notify the police immediately if he presents this card to you." You have no idea. You can see what the civil liberties people are going to do with this. They'd say, "You can't do this. Here you have all kinds of information about this alien, for example, placed on his visa, which he isn't even going to know about. You just can't do this." We said, "This guy isn't an American citizen. You're not worrying about his rights as you might those of an American citizen." They said, "It doesn't matter."

Q: In other words, they were proposing, if you will, to extend the protection of the Constitution of the United States to anyone who walked into any U.S. Government office, even outside the United States, before he even got into this country.

RECKNAGEL: Absolutely. Strangely enough, there was just enough appeal. You know this also from asylum matters, that you get somewhat the same approach that an alien somehow is entitled to American constitutional protection. At that time, the credit card people were involved in exactly the same problem, so it extended far beyond just the question of visas or some type of control card for aliens in this country. They, I think, have since resolved it, because, as we all know, credit cards today in 1986 do have little black strips, they do run them through machines, they do read things that we don't know what they are. But at that time, they were not allowed to. Much less was there a feeling that the government should do anything of that sort. I might say one other thing in connection with that. At the same time that this was going on, we were having a number of hearings. We weren't involved in them directly, but there were hearings on the Hill and meetings by groups, in which Frances Knight was very, very prominent, looking toward the possibility of a national identification card. The problems of a national identification card would be enormous. You can imagine what's involved in keeping records on 230 million people, or whatever we have. Again, this was one aspect of the national identification card argument also: what is going to be on these cards. Is everybody going to have a card that's going to have secret information that he doesn't know about? This was constitutional protection

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to American citizens, if you will. That was as far as it got during my period, which is all that I can speak authoritatively on, except I will say, again, that it was symptomatic of the problems that we had in the Bureau that this effort being carried on by the passport office with an entirely independent research firm, entirely independent of any controls that we were able to bring to bear. Although there were many, many battles fought over that, this did continue during the time I was there.

Q: That's fascinating. One of the things that comes to mind as one thinks about the position that you occupied was the whole idea of consular work as a career in the Foreign Service. Anyone who knows anything about foreign affairs knows that a distinction is always made between "substantive" and "non-substantive," the former being obviously a desirable kind of assignment, the latter being not a desirable kind of assignment. Yet, at the same time, it is also true that, as movement of peoples and consular problems have come more and more in the forefront of intense foreign policy concerns of the government, the distinction is blurry. Then there's also the problem of how do you get good people to occupy responsible positions on the consular side. My assumption is that you were concerned with this. In what ways were you involved?

RECKNAGEL: I was very concerned with this. First of all, I have to give a bow in the direction of Barbara Watson on this question. Barbara, as I said, was an extremely conscientious administrator of the Bureau, and, from the beginning, she devoted a great deal of her time in trying to build up the prestige of the consular career, if you will, within the Foreign Service, and to try to make the career a more attractive one. I was very much involved in it. As a matter of fact, before coming to SCA, I was head of the Senior Officer Division in Personnel in the Department and was very closely involved in some of the senior consular assignment problems that came up during my tenure in that job. That's how I really first got to know Barbara and first got to work with her. That was really the background for her asking for me for that job as her deputy. So with this background, with my interest in personnel and my interest obviously stemming from my assignment in SCA, I spent a great deal of time also on the career thing. The consular career is a very

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difficult problem in the Foreign Service. You are quite right when you say that there is, first of all, this traditional distinction always that's made there, which anybody in consular work is going to be immediately conscious of. So one of the things you've got to do is try to break down the reasons for this distinction. The only way you can really do that is by cross-assignment, by giving people doing consular work assignments outside of consular work, and giving people outside of it consular assignments. The first thing you have to be sure of is that whoever you are getting in the Foreign Service is somebody who is competent right across the board. Therefore, what you don't want to do, as some people have been inclined in the past, is to say, "This guy is fine. He can do a job as an admin officer, but he could never be a political officer." You cannot recruit people into the Service that way. Across the board, you've got to have people who are competent as Foreign Service officers and capable of doing a job in any of the four specialties. Only if you do that can you have cross-cultivation.

Q: It seems to me that basically what you're doing is you are questioning what could be called the cone system of recruitment.

RECKNAGEL: Very much so. I've always been opposed to the cone system of recruitment. Somewhere buried in the files of the Department are memoranda that I have written on this subject. I've always thought the cone system was wrong. I've always thought it was far better in the old days—I mean really the old days—when every new officer coming in, his first job when he would go out to the field would be consular. In the days before World War II, they were always sent to Canadian posts. There were very few people involved, and they got their feet wet dealing with the foreign public, doing consular work and learning consular work. The advantage of this is that low-level consular work, routine visa issuing, and this sort of thing, is dull work, and it's not very exciting work. Somebody comes in with big ideas about how he's ambassadorial material and thinking of the big picture, and so forth, and he's put in a consular job and finds it dull, uninteresting, and doesn't see the great rewards. He's not making vast foreign policy decisions. But he knows this officer, so he does the best job he can, hoping for better things when he gets

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promoted. If you have a situation where some people are in those jobs and some people are not in those jobs, you've really got problems. You've got the guys down here in the consular section drudging away, and you know, as well as I, what it's like in these visa mills—it's absolutely miserable. Here you've got some other guy who probably isn't doing all that important work, but he's up on the sixth floor in the political section. He comes down, looks at his buddy down there, and smiles in a superior way. This does no good for anybody's morale, and it certainly does no good for the understanding of the guy with a slightly bigger head because he's doing political work. I felt that if you label people, as the cone system does, if you, from the beginning, subject one guy to a type of work which is drudgery and not very glamorous, while the other guy is able to do work which he is told is glamorous, even though it may not be very glamorous, you're just creating real morale problems in the beginning. You've got to make these people feel that they are interchangeable. It is very, very hard. There's a lot of prejudice in the Foreign Service too, if you advance these ideas, because there are a lot of people who really believe absolutely, "You've got a guy doing admin or a consular job, they can't do a job like I'm doing in political work." That was one of the big things that we tried very hard to break down. I spent a great deal of my time, because of the background I had in personnel, trying to do two things: first of all, to see that in the very junior years that everybody got his turn in consular work, and, equally, that everybody got his turn in other disciplines of the Foreign Service, so when they came up to the so-called junior threshold, you would look at an entire officer. You wouldn't look at a guy who had been a great man in a visa mill or a guy who had been a good assistant in the ambassador's office; you'd look at a guy who had some record across the board with a minimum of three assignments. Partially we succeeded. I think we made considerable progress. What we did have during all of that period, some of which I really did not like, and I think they've gotten away from it now, but I don't know, you selected your discipline when you took your written exam. I think we've gotten away from that. You may know.

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Q: I'm not sure. I think, to a certain extent, you compete for a discipline, compete for a cone. It is, as you say, very controversial for the very reasons that you have indicated.

RECKNAGEL: Let me add one thing about why I feel so strongly about this, and I do feel strongly about it. I don't know if I made all that much of a contribution to break it down. We did try. I know in my own experience that, actually, in my entire career up until the time I was assigned as DCM [Deputy Chief of Mission], I really never had any consular or admin exposure. I did political work. When I took over as DCM, particularly because I landed at a post where I spent the first year as charg#, I was very conscious of the fact that I didn't know what they were doing in these sections, and I was really not able to do the job that I should be able to do. I had to kind of wing it on consular questions. So I felt this was no way. If you're going to have a man at the top, just like any business, the guy should know across the board. And if you're going to make a man feel that he really has a career and can aspire to the best that career has to offer, you've got to have him qualified across the board.

Q: You've teased me through this conversation with all of these descriptions of Frances Knight and her independent satrapy. I know that she did leave, and I know that she did leave while Barbara Watson was there. Can you give any more information about what ultimately happened, as far as you can tell?

RECKNAGEL: You mention Dumas Malone and you mention Jefferson. If you think of Jefferson and Adams on July 4, 1828, when they both died, that each wanted to know whether the other had died, that was Barbara and Frances. They truly grew to hate each other; there is no question they really hated each other. The most unpleasant part of my job was that I had to deal with Frances Knight. Barbara would not speak to her. She would communicate with her only in the form of memoranda of instruction, which Frances would tear up and then proceed to throw them in the wastebasket. If she replied, she would reply only to the deputy under secretary and with some kind of a scathing denunciation of Barbara, very, very personal. It was very unpleasant. Barbara was a lady;

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she never indulged in anything like that. Frances indulged in the most vitriolic personal abuse in her memoranda. It was most unpleasant. My job was to try to somehow bring the passport division within the bureaucratic control, or at least the bureaucratic operation of SCA. I tried, first of all, to work out pleasant relations with Frances Knight. I got along with her personally adequately. She disliked me heartily because I worked for Barbara, but at least when I went over to see her, I would be allowed to see her. You've got to remember I was supposed to be her superior, which, of course, was a laugh. She was totally uncooperative. She would absolutely say nothing. She would absolutely agree to nothing. This was a day in, day out battle all the time I was there. Finally, by using the device of getting the Deputy Under Secretary for Management into it, we did get her to agree to send representatives to the weekly staff meeting which I chaired. She would send the lowest, most ill-informed people she could get away with; they were told to say nothing; they would say nothing. This was all duly reported. Nobody knew what to do with Frances Knight because they couldn't remove her.

Q: Because of her political clout?

RECKNAGEL: Absolutely. She had reached retirement age and refused to leave. I forget whether she was 65 or 70—retirement age, anyway. This was raised on the Hill by Dean Brown, who, in the latter part of my time there was the Deputy Under Secretary for Management. But nobody really knew how to handle her. I did keep up the forms; at least, throughout all the time I was there. I did go over to meetings that she would have in pursuit of her interest in coming up with a new and smaller passport, which is the one we have now. It took some years after that to finally come up with it. We never really got her to cooperate in any meaningful way. When Walentynowicz came in, Walentynowicz considered himself a great personality and very personable, both, and he felt that he could charm an Eskimo into buying an icebox. He took the line, "Few people are like Frances, and, besides, Frances is a good Republican. You just don't know how to handle her." It really didn't work. The only thing was that Frances's husband, who is a very prominent man in the aviation publishing field, apparently was beginning to wind up some of his

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activities, and they were looking to a more retired life. Frances was under constant pressure to retire. Humphrey had died by that time. The power that she had on the Hill was waning. My own opinion was that she just decided she didn't want to keep up the fight. Walentynowicz got nowhere with her as long as she was there, beyond one thing I have to give him credit for—he did get her over to one SCA Bureau meeting in the Department. One. One time, which was a tremendous achievement, I suppose, when one really looks at it. That was it. It was a disagreeable time, and I must say it was a very happy day, in my mind, for the Passport Division when that lady left, not that she was not competent. She was very competent, but she was so intractable and so difficult.

Q: At that time, of course, the passport office became part of the Department of State again.

RECKNAGEL: Absolutely.

Q: A major issue that began to happen probably toward the end of your tenure was the establishment of a Vietnamese refugee program. I do not know how much of your time was spent in dealing with that. I know you had a tour in Vietnam, so you had, if you will, some political background on the subject that perhaps other people in the Bureau did not have. As far as you know, at least at the time it began, was there unanimity in the government about the establishment of such a program? If not, why not?

RECKNAGEL: As you say, correctly, I was involved only in the beginning of this, because I left the Bureau at the end of April 1975. The whole problem, just as everything else involved in the collapse in Vietnam, exploded on the Department literally almost overnight. We had not really done any advance work in contingency planning of the sort that we should have done for a problem of this magnitude. I think that the ORM [Office of Refugees and Migration], which was primarily concerned with such refugee problems, had done a certain amount, but ORM was not a very strong organization in those days, and they, too, were certainly caught very much off base by this. First of all, we had problems

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even knowing what the magnitude of the refugee problem would be, because Ambassador Graham Martin, throughout this whole period, as you know, really refused to accept the fact that there was going to be a mass refugee problem, indeed, that there was going to be an American evacuation, surrender, or anything else. In the early days of this thing, when most of us realized that it was going to happen, it was very difficult, really, to get the task force which was set up to deal with this, to focus on the problem. There was very, very serious disagreement as to what the magnitude of the problem might be. There were those of us, like myself, who felt that it would be absolutely enormous. I think I can say that those who served in Vietnam and really believed that this was going to be what it actually did turn out to be, realized that there would be many, many thousands of Vietnamese seeking to flee their country.

Q: You were discussing the problem of getting the Department to agree on what the magnitude of the Vietnam refugee flow would be. Obviously, that had to be resolved before anyone could decide what to do.

RECKNAGEL: Exactly. You have to realize that it was a very emotional issue also at the time, because to admit that there would be a million or more Vietnamese fleeing was really to admit our own total defeat. There were a lot of people who, for emotional reasons also, did not want to face up to it. This was very strongly exemplified right in our own Bureau. Walentynowicz was violently opposed to anything except the most minimal refugee program for Vietnamese. I never really fully understood his thinking on this, particularly since he was a man who developed so much of his own career based on his close ties with the Polish immigrant community. You would have thought it might be different, that he would have more sympathy for refugees. He had a great ally in the INS commissioner, General Chapman. I suppose it's not unfair to say that he really didn't want all those "gooks" over here. That was a bit of the attitude that he had. It became exceedingly difficult with these two people, who were rather primary in this area, to do any planning. The people in the task force were really not interested in coming to grips with figures which we, at the next level down, were working up, which projected possibly as many as a million

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refugees. They simply were not going to accept that at that stage of the game. At the time that I left, while this thing was still up in the air, they were just beginning, and the first top-level people were being brought out in the air lifts. The boat people, the people who fled independently had not really started yet to develop.

Q: Is it your impression that the decision to institute a Vietnamese refugee program, which ultimately assumed rather large dimensions, was taken almost in spite of the opposition of Walentynowicz and Chapman?

RECKNAGEL: I would say that it was simply a question of the fact that when it really came down to the crunch, when it was evident that this problem was going to be of enormous magnitude, that people with objections such as theirs simply had to be shunted aside. The problem had to be dealt with; it was there. So my impression is that it was just an obstructionist thing, and it was certainly very obstructionist at the beginning. Even the task force itself found it difficult to accede to our projections of the ultimate magnitude.

Q: Could it be said that the obstructionism that was taken in coming to grips with the problem meant that the obstructionists ultimately took themselves out of play?

RECKNAGEL: It wouldn't be fair for me to answer that, because I was out of it at that time.

Q: With regard to the role of the administrator, whoever the administrator was—and it may have varied from Barbara Watson to Len Walentynowicz—how did the political line actually flow from the White House to the administrator? Do you have any information about how that actually worked?

RECKNAGEL: Yes. Walentynowicz was a totally political appointee, as you know. The White House was very well aware of the existence of SCA because of the various problems between Barbara Watson and Walentynowicz, which did involve prominent people on the Hill, most notably Jacob Javits.

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Q: *Do you mean Walentynowicz or Frances Knight?*

RECKNAGEL: Walentynowicz.

Q: *Walentynowicz also?*

RECKNAGEL: Very much so. I should clarify by saying that Barbara Watson did not want to leave. She particularly did not want to give way to a man that she felt wholly unqualified and whom after she met him, she didn't like. Barbara recruited support where she could, and one of the strongest supporters that she found was Senator Jacob Javits. This was a political thing. Javits was from New York. Barbara was from a very prominent black family in New York. There are a number of leading black figures in New York from her family, including her own father and brothers. Her family could help turn out the black vote for Jacob Javits, who was running for reelection to the Senate in 1974. So all the time that he was running for re-election, he was anxious to keep Barbara and her family in his camp. He worked very, very hard to keep Barbara right there and to keep Walentynowicz at bay. As a very prominent Republican, he had the clout to do it and did succeed in doing it. However, this caused exceedingly bad blood on both sides, Barbara resenting Walentynowicz's pressures to get her out and to fight what she was trying to do, and Walentynowicz resenting what Barbara was doing, keeping him out of the job. So the White House became very well aware of the existence of this. This was a fully political thing. It had nothing to do with the Foreign Service or careers or anything else—fully political. The White House also became aware that S.C.A. was a place where you could put people. For example, they had a young man who was of White Russian extraction. He was a Republican from North Dakota, working as an aide in the White House. In the middle of all this, he was sent over to take over the deputy administrator job, which Fred Smith had had. Fred Smith was still there, because he hadn't been reassigned. This young man came over, not formally assigned to Fred's job, because he couldn't be until Fred moved on; but took over Fred's office and became, technically, the other deputy administrator. He had absolutely no background in consular affairs.

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Nevertheless, this man did stay on and was there when I left. He was a White Russian of fairly distinguished lineage. He and Walentynowicz did not get along well at all. He did not consider Walentynowicz a man of the same social background that he had. I won't go into that further. I mention this because it was a result of White House awareness of what was going on there. To come back to your question, the White House really paid very little attention otherwise to what went on in SCA, other than periodically, if somebody in the White House had some interest in an American citizen who was in trouble and needed protection, or the usual things. The political direction of the Bureau came from the oversight committee on the Hill. As far as the executive side was concerned, policy direction senior to that which was dealt with by Barbara herself came from higher echelons in the Department, primarily from the Deputy Under Secretary for Management. That was the line of command. If it was a political question, then obviously it was the Deputy or Under Secretary for Political Affairs.

Q: That's very interesting. I don't know what else you want to say generally about your tenure in SCA, so what I'd like to do now is simply ask you to say whatever you think I have not asked or has not been covered that should be covered if we want to have a complete record.

RECKNAGEL: There is very little, except I would say two things of interest. One came up in the latter part of my time there, the well known Harmon case in Chile, which later became the subject of a movie, the name of which I forget, and a movie I never wanted to see.

Q: "Missing."

RECKNAGEL: Yes. This was an example, to my mind, of the most vicious pillorying of the Department and the most unfair misrepresentation, really, of what we were doing and trying to do. I'm not getting into the Chile question as such, the overthrow of the regime and everything else. This man Harmon, and developing him into a hero, I was always very

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distressed about. I won't use this occasion to smear Harmon further, but it was a case of very real media misrepresentation of the facts, of media unwillingness to listen to what we had to say. We had one very distressing interview with Ike Pappas, from CBS, who was handling this. The man would simply not allow me to say really what the facts of the case were, and there was a very big consular angle on us, because this was a protection case. They were, of course, interested in smearing the whole American role in the overthrow of the Allende Government. This made a very good human interest story played the way they wanted to play it. But it did teach me the problems of trying to deal with the media, which I already knew pretty well from my days in Vietnam, when they wished to play something one way, and you wished to give them the facts, which they don't wish to hear. We came out very badly on that. I think the consular officer concerned was not seriously hurt by it, but he certainly wasn't helped by the media smearing of the job he did. Did you see the movie?

Q: I saw part of it.

RECKNAGEL: I understand they really smeared him.

Q: They smeared all official Americans. It was very badly and awkwardly done, not well done at all. It just didn't ring true, as far as my experience with people in the Foreign Service. It simply didn't ring true.

RECKNAGEL: You were right, and they were wrong. This raised one other thing I'd like to mention about media. We did have a person in the Bureau whose job was to be our public relations officer. This was something Barbara Watson attached a lot of importance to, and I think through using this person, she succeeded in getting us a good deal of press coverage on consular relations in matters which we would not otherwise have gotten, and possibly turning some stories to our favor, and also improving our congressional relations. Out of this came something that I did want to mention, and that was the possibility that they would develop for television a series on the consular officer. At that time, there was

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a very popular series called "The FBI". It came on every week and always ended with the FBI getting their man. Through our public relations efforts and through the interest of one of the people in the consular service, a lady whose name I forget now, who had some contacts in Hollywood, we actually developed this thing to the point where a team of people from Hollywood came to SCA to look into the question of filming stories about the life of a consular officer, along the lines of "The FBI". We saw this as something which would be a real possibility for very excellent public relations for the Foreign Service as a whole and, of course, tremendous for the consular side of the Service. We had several meetings. The first meeting, which was the meeting with the full group of people from Hollywood, was really something unbelievable. I'll never forget it. It was absolutely right out of the books. These people were just what you'd expect, the type of people who put on these potboilers that we see all the time on television. Here they were. We had some stories that were rather good stories about consular experiences, some such things as the famous finding of the bodies back many years ago up in the Himalayas after the plane crash of some 80 people, and dealings with the Nepalese Government. They thought these were interesting. They didn't see that they were going to be able to do too much, but the one thing they said was, "If we're going to have this kind of thing, first of all, the way we visualize this, we've got to have this consular officer, a beautiful babe, really stacked. She could be mature, around 30. She's going to be the one who really gets the things done. Then we've got to have a guy who's sort of a foil to her, a guy who's pretty dumb. He could probably be her boss." So they went on to develop this, and wanted to know if they could move her around, so they could have it one time in Zanzibar, the next time in Shanghai, or whatever. Then they said, "You've got to end these things with a little excitement. The best thing is to always have a chase." They were dead serious. I can remember that we sat there and looked at these people. All that they could really think of was the typical type of potboiler, the little plot ending with a chase and maybe some guy getting shot.

Q: *"Jungle Jim in Malaya."*

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RECKNAGEL: It was absolutely fascinating. To make a long story short, we never were able to get to first base with them. We did go over it pretty thoroughly, but there was no way you could fit the kind of stories that we had into the kind of thing they had in mind.

Q: No. The reality they wanted wasn't the reality of the consular service.

RECKNAGEL: It really wasn't.

Q: That's all been very interesting about your time in SCA. I'd like, however, to spend a little more time discussing your experiences in the asylum program of the United States. My own personal experience is such that I know something about it, but I think there is a lot of background here that is not generally known. I wonder if you could give some historical background, and specifically the way our policy developed with regard to asylum, and what the Department of State's role in it is.

RECKNAGEL: I will try to confine myself to those things, which are not equally available from books. The early history of international interest in refugee movements is something, which is very adequately recorded. Prior to World War II, the concept of asylum, as any specific type of remedy available to the refugees, simply was not a matter of anything more than just very general discussion. Asylum was limited pretty much to what took place in South America, where some guy would stage a coup which failed, and take asylum at an embassy there. It didn't really emerge, as you know, until the convention in 1951, held under UN auspices, which concerned itself with refugee movements in Europe and which, for the first time, came up with a general definition of refugee. Prior to that, refugees were just categories of peoples, but there was no general definition which could be applied to an individual to say whether he was a refugee or not in the broad sense. They came up with the now very familiar formulation of a refugee as one who has a well-founded fear or persecution because of race, religion, nationality, membership in a particular social group, or political opinion. That was formulated for the first time in the convention in 1951, the convention which concerned itself with refugee movements in Europe, which the

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United States never became a party to. In 1967, also in the UN, a protocol was drawn up which recognized the fact that by that time, refugee problems had become global, and many, many countries outside of Europe adhered to this protocol, which was passed by the General Assembly, and the United States also became a party to that. Really, when you talk about American involvement in asylum matters, you've got to begin in 1967. I think, as of 1967, there was very little awareness of asylum in the United States. I think immigration lawyers had very little awareness of it. If you look back at the books at that time, there was nothing in the federal regulations about it; there was no legislation, other than our adherence to the convention and to the protocol. The number of asylum cases which arose each year were very, very few and, in those days, involved mainly people from the traditional asylum-seeking areas, particularly Eastern Europe. Only when I got involved in asylum matters, which was not until ten years later, in 1977, was there any real volume of asylum cases coming in. The asylum issue did not come to the consciousness of more than a very few people until the now famous Kudirka case in 1971. As you recall, that was the case of a Lithuanian seaman who jumped overboard from a Soviet trawler onto an American Coast Guard ship and requested asylum. His case was referred to Washington and reviewed here in the Department. Nevertheless, on instructions received by the captain of the Coast Guard ship, from Coast Guard headquarters, he was turned back over to the Soviets, the Coast Guard captain even allowing armed Soviets to come onto our Coast Guard ship to manacle him and drag him, screaming, off the ship and back onto his own ship. It was a very shocking thing. It did hit the press and did result in very extensive and rather fascinating hearings on the Hill, looking into this sort of thing, and it resulted in, among other things, most importantly to us, awareness on the executive side at the very top, namely with the President, of the fact that things were going on here, that we had obligations in the sphere of asylum that we were not fulfilling. As a result of this, an executive order was issued by the President in which he instructed specifically that all parts of the government (i.e., of the Executive Branch) concerned with refugee matters should adhere very strictly to the obligations which the United States had undertaken under the 1967 UN Protocol Relating to the Status of Refugees, that all of our

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activities taken by this would be under the overall guidance, oversight, if you will, of the Department of State. This is a matter of history. This executive order led to formulation of a procedure. Meetings were held—I've never found much in the way of real details about these meetings—between the Department and INS specifically, to establish a procedure to assure that a Kudirka case would never happen again, and, to go beyond that, to establish some sort of a regularized procedure for the handling of asylum applications. The biggest problem facing the country at that time in the asylum area were the Haitian cases, as these people were pouring in from Haiti. There was no refugee program for Haitians and no way they could come as refugees. They weren't under any program, but they would arrive here and demand asylum. So the first big volume of cases that we had were from Haitians. At the same time that the Kudirka case had made immigration lawyers and others much more aware of the existence of asylum, and even though in the early Seventies there was no great international activity generating refugees, as there was in the latter part of the 1970s, the number of cases did grow. When I came in in 1977, as I think back on most of the cases that I dealt with, we had a number of cases from the Philippines. Marcos had declared martial law, and many Filipinos sought to remain in the United States. There were also a number of cases from Korea, obviously also Russian cases, Chinese cases, Eastern Bloc cases, a certain number from the Middle East, and a certain number from elsewhere. Quite a few from Africa. Bits and pieces everywhere. There was no great pattern. It was established that applicants would apply for asylum to INS, who would forward the application to the State Department for an advisory opinion before reaching a final decision on the merits of the application. It was felt that the Department was in the best position to evaluate an asylum claim in light of the situation in the country of the claimant's nationality. As this procedure began to be implemented, INS found that many of the cases they were getting were simply routine cases, cases where there was absolutely no doubt as to what the decision should be. So, INS asked for and got the agreement of the Department to a modified procedure. I'm not going to get into details here of procedures; that's all available elsewhere, but this part is interesting, that having felt that there were cases that were so clearly frivolous and others that were so

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clearly meritorious, they said, "Rather than ask you for an advisory opinion in every case, couldn't we just ask for an advisory opinion on those applications which really do seem to have some question about them? On those which are clearly one extreme to the other, we'll evaluate them, let you know our decision and if we don't hear from you in 30 days, we'll act on that decision." It was agreed that they could do that. That procedure was the one that pertained at the time that I came in.

Q: This would have been 1977?

RECKNAGEL: Yes. I gather that it pertained from 1974 on. Several things happened shortly after 1977. One was that the development of refugees began to be much greater around the world. We had, for example, the situation in Lebanon, where you had vast numbers of people fleeing the Lebanese civil war, if you want to call it that, or civil strife. You had the situation in Ethiopia, where the Emperor had been overthrown and all the members in the former government, those who enjoyed a high position there were fleeing the country. You had the Eritrean civil war situation, which was creating refugees. You had the situation in Chile, which created an increasing number of refugees in the late Seventies. So, suddenly, from a relatively quiet period, here we had situations generating refugees all around the world, and refugees who really were not encompassed by existing legislation, which primarily took care of refugees from the Soviet bloc and from the Middle East, or special programs such as those for the Cubans or the Vietnamese. A lot of other people were, in one way or another, not fitting into existing refugee programs, and therefore taking a new route by seeking to come to the United States by whatever means, and then, when arriving here, asking for asylum. So it was a new ball game. Immigration lawyers were well aware of it. So you had this happen. This meant that the volume of cases coming to INS began to be very great, and although they were quite willing to declare an awful lot of them frivolous and a few of them clearly meritorious, and give us relatively few as doubtful, we began to be very much more concerned as to whether there weren't

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a heck of a lot of cases being declared frivolous by INS which maybe, had INS had more knowledge of what they were doing, would not have been considered frivolous cases.

Q: The point really being that INS is not chartered to make foreign affairs assessments and judgments. It's not their job.

RECKNAGEL: That's right. It is not their job. Their job is to handle the legal aspects of asylum, make decisions on whether somebody is entitled to asylum in terms of whether he meets the legal tests. The political tests, and whether an applicant is persecuted in his country, they really are not in a position to judge. If they can tell if he's a drug addict or something, they can disqualify him on such grounds, or if he's a criminal, although, parenthetically, I would say that often comments that we have made on advisory opinions have overlapped into such matters. This paralleled other developments. The generation of refugees, on the one hand, vastly increased our own government's interest in human rights under the Carter Administration. Carter's representative in the Department on the human rights side, Pat Derian, personally greatly dedicated to human rights, was very concerned about the refugee problem and whether we in our handling of these refugee problems were really fully cognizant of and properly sympathetic to the human rights aspect. So Pat Derian became actively interested in asylum. This was in many ways a useful thing, even though it caused us some problems, and she wished to create more careful screening of refugees. She reached an agreement with Castillo, who was the Commissioner of INS at that time, as a result of which all applications received by the INS thereafter, and without exception, had to be reviewed in the Department and an advisory opinion issued. That is, of course, the system that still is being followed today. Pat Derian did institute something else, which I'm glad to say has not been followed. In addition to the then-existing procedure under which all cases were reviewed both by an asylum officer and by the desk officer of the country concerned, she wished to have the human rights officer for the country concerned also review them all. That was found to be quite impractical and was quickly abandoned. In connection with this whole question of the review of cases, a great deal of pressure had come from our handling of the Haitian

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cases. Haitians were the first large number of refugees to come into this country asking for asylum. There also was a great deal of political interest in Haitian refugees, particularly on the part of the black community, but also, in general, as to whether we were treating them right. This became the subject of hearings on the Hill. These hearings took place just a little bit before I began to work on asylum matters, and there was a great deal of concern expressed in these hearings about whether we were providing an adequate review procedure for Haitian asylum applications. The argument was that we were getting very little information and that we were making decisions without proper inquiry, and that possibly there was a certain amount of bias on the part of the United States Government on the executive side, that we just flat didn't want all these Haitians here. To meet this objection, somebody in ORM, I think maybe Jim Carlin, thought we should use the fact that we work very closely with the UNHCR [United Nations High Commission for Refugees] on these things. So in the hearings—and the hearings were a matter of record—it was brought out by whoever was testifying on the part of the Department, I think probably Jim Carlin—that we were using the UNHCR to be sure that we were conforming with the requirements of the Convention and Protocol. Someone on the Senate side said, “Do they really look at every case you do? You say you work closely with them. Do you on individual cases?” Whoever was talking on the part of the Department said, “No, but we discuss it in general.” “Why don't you show them individual cases? They should be the best authority on whether these people really qualify for asylum.” The Department officer replied, “We could certainly do this.” Then it occurred, I think, to both sides that this would be a great way to get everybody involved off the hook insofar as criticism about our handling of Haitian cases was concerned. We could say, “Look, we don't handle them. This isn't just an American thing. The UNHCR is involved in this.” So an unfortunate decision was made, that the UNHCR would review every single Haitian case. It was totally impractical from the beginning. The UNHCR didn't even have a Washington office at that time. The guy they had here was not remotely involved in asylum matters, and the man who was knowledgeable on asylum matters was in New York. First they said, “We'll bundle up cases and send them to New York.” That didn't work out. Then they sent somebody

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down here who was supposed to come down for three weeks and go through all our Haitian cases. To make a long story short, it simply didn't work; it fell apart. It also resulted in perfectly terrible confusion about Haitian cases and was another one of the factors that created an awareness that we should have more organization for dealing with asylum cases.

Q: Now you're getting to what I think is another very interesting element, which is the selection of people to perform the asylum function in both State and the Department of Justice, INS, and the immigration courts. I think it would be very interesting to have your comments on the selection process of people in the State Department. I think it might be unfair to ask you to comment on how Justice chooses people, because that would really be from the outside looking in.

RECKNAGEL: Yes, I really don't know.

Q: But as far as State is concerned, you were on the inside looking in. Can you give us your experiences and perceptions on that?

RECKNAGEL: The handling of asylum really is one of these things that grew like topsy in the Department. I've given the background. Once the decision was made that asylum would be handled by INS, with the Department just giving advisory opinions, the thing began to lose the front burner interest that it briefly had in the Department, and it became very much back burner.

The function was assigned to ORM at that time, and a relatively junior officer was transferred over from the passport office to handle the asylum things under the overall guidance of a middle-level officer in ORM, with the very occasional interest on the part of the senior officer in that office. Really, it devolved upon this quite junior officer, Larry Arthur, a very able young man in many ways, but it devolved upon him, really, to carry the burden of the whole day-to-day operation on asylum matters, with very little interest being demonstrated by anybody else in the Department. Only as the workload began to

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increase to the point where one man could not handle it, particularly since that one man was also called upon to spend a great deal of his time with regard to these Haitian cases was any interest shown in getting some help for him. There were no slots available for any regularly assigned officer to do this, so the idea was arrived at, "Why can't we use some newly-retired officer or some retiring officer to do this?" The first person who came into this was Jules Bassin. Jules knew Jim Carlin, who was then Director of ORM, from his Geneva days and had a reasonably good background. Jules is a lawyer and was qualified to train himself sufficiently in asylum matters, to work with the individual bureaus on individual country questions, and really provide the additional assistance which was needed by Larry. This worked out quite well so long as Jules, who was brought back as a rehired annuitant, was able to work as a rehired annuitant. However, he ran out of his time. He came up to his ceiling, so there was no differential between what he was getting as an annuity and what his salary had been when he left, so he was not able to continue working, and there were no provisions for a contract. So they then looked around and, to my mind, paid much too little attention to getting qualified people and too much attention to just getting somebody to do the job to help out. I will not now go into names. The need for people to help in 1976 and through the time after I came on was largely met by simply finding somebody, usually with a general consular background, but no necessarily particularly useful country background, to do the job for a while before he finally went out on retirement. The only person who came in with qualifications similar to Jules was myself, and I was brought in by Jim Carlin, who recognized the need, with Jules departing, for somebody who had some more in- depth background and would be able to head up the thing a bit more. Larry continued very competently to do his job, but, in general, it was perforce an effort to get the job done, and, to my mind, not sufficient attention being paid to expertise. Until around 1980, when the Iranian crisis and these other various refugee-generating crises reached such proportions that the problem became quite different than it had been in the late Seventies, was greater attention paid to trying to recruit people who really did have some qualifications, the qualifications being someone with a good consular background, somebody with area background pertinent to the area in which he would be

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reviewing asylum cases, and somebody with sufficient seniority and experience to bring to bear a judgment which really would assure meaningful evaluation of asylum cases.

Since that time, with the exception of a period when an effort was made to try to find people with these qualifications who were over-complement (a contradictory situation, if you think about it, since most people are over-complement because they don't have very good qualifications), I think we have done better in recruiting qualified people. I do have many ideas, which I don't think this is the place to go into, about how we really should run this thing, but I do think that the effort is being made now, at least to bring in qualified people. Unfortunately, the idea of recruiting people from active Foreign Service and relatively junior people to do the same work is a great mistake. I think this is not a job for a regularly- assigned officer; it's too much out of the main line. Any regularly-assigned officer is going to want to get out of it, get somewhere where he's more visible. It's an excellent job for qualified retired people. I hope it will continue in that vein. One other thing I should say. I think, also, it should be understood for the record, how it is that asylum remains in HA [the Bureau of Human Rights]. This is a typical example of a political decision, and it should be a matter of record that it's a political decision which I think has utterly disregarded the proper logic of the situation. Asylum is a refugee matter; it is not a human rights matter. It's intimately connected with refugee problems, the Convention Relating to the Status of Refugees. It is in the Human Rights Bureau only because when the refugee part of human rights was taken away from the Human Rights and Humanitarian Affairs Bureau and put into a separate bureau, Pat Derian, then the Assistant Secretary for Human Rights, was placated by being given one operational unit—namely, the asylum unit. She shouldn't have been. It was simply a decision made at the White House to keep a political appointee happy; it was not a decision made on the merits of where the thing should be. That should be understood, I think, for the record. That winds up what I can say on that.

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Q: I'm sure there are many more things you could say, but generally I think we've had a very rich exchange. This is going to be very, very valuable. Do you want to say one more thing?

RECKNAGEL: Yes. I did want to say one thing about how it came about that we had this particularly enormous problem with the Iranian asylum-seekers. Unlike the situations which generated refugees elsewhere, the idea of a refugee program for Iranians was highly unpopular in this country following the overthrow of the Shah in 1979. Iranians, in general, were extremely unpopular. Any program designed to throw Iranians out generally met with much favor, and any program designed to permit Iranians to enter or to stay in the U.S. generally did not meet with much favor. The only real pressure to help Iranians came from the religious minority groups, particularly the Jews, but also the Christians, and a certain amount of pressure from people who wanted to help out very prominent Iranians from the Shah's regime. People who were very fond of Iran wanted to bring in people who were close to the Shah. But apart from that, if you recall, the feeling in this country was very much opposed to Iranians. So even though there was a lot of pressure brought by Jewish, Christian groups, and others on the Hill for a refugee program, the House was not about to touch the idea of a specific refugee program for Iranians. At the same time, the Administration was coming up with a program which didn't allow any Iranian after March 1980 to even renew his visa. So two things happened. For Iranians in this country, the only way they could possibly stay was to ask for asylum. For Iranians outside of the country, there was no way to bring them in as refugees, because there was no refugee program, so the only thing that one could do was to establish a program which brought them in either as visitors, and allow them, once they got here, to request asylum, or to parole them in, and once they got here, allow them to request asylum. Thus a program of very dubious legality was arrived at to help Iranian religious minorities and certain other Iranians we wished to help. This was a program whereby not too many questions were asked with regard to such Iranians applying for B-2 visitors visas to come to this country, and whereby those who clearly couldn't qualify still had a chance to get paroled in. So we

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had thousands of Iranians arriving in this country as visitors or under parole and asking for asylum, and no refugee program for Iranians. That is really the background of the Iranian asylum program and the one asylum program which certainly generated the very largest number of successful applicants of any we have had. Also, while all of this was going on with the Iranians, it was not being lost sight of by Ethiopians, Lebanese, and others. Much of the real pressure generated by various groups for asylum has come from their awareness of what happened with the Iranians.

Q: Presumably, this also had an impact on the enormous number of Salvadorans who came to this country and asked for asylum, that now probably being the nationality where there is the single largest flow of asylum cases through the system.

RECKNAGEL: Absolutely. I think that the Salvadoran one is more pertinent than any that I mentioned, because certainly the fact that we did this for Iranians and are not doing it for Salvadorans has been one of the very sore points that Salvadorans have not missed.

Q: Thank you very, very much, Tom, for participating in this. I think we have gotten some extremely useful information. We appreciate very much your willingness to participate and your willingness to donate your oral history reminiscences to our collection for use by scholars.

End of interview